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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,642	07/08/2003	David A. Goldberg	4180-1-PUS-CIP-CON	1407
22442	7590	08/26/2004	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			BALI, VIKRAM	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/615,642	Applicant(s) GOLDBERG, DAVID A.	
	Examiner Vikkram Bali	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "the step of retrieving additionally" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renie (US 5576838) in view of Lu et al (US 5550928).

With respect to claim 8 (as the exemplary claim), Renie discloses method of capturing and distributing images of patrons in a venue, (see col. 4, lines 39-46, wherein it states that the video images are captured in a venue i.e. amusement rides and at the end of the day distributed to the individuals), the method comprising the steps of: capturing electronic visual images of patrons at the venue, specific patron is represented as the subset of the image (see figure 1, numerical 12, cameras for capturing the images the image is capture of the person "patron" and the image also has other scene i.e. the person is a subset of that image); retrieving for distribution visual images in which the patron is represented by comparing the descriptor of the specific patron, (see col. 5, lines 43-46). However, Renie fails to disclose the quantitative information as being the physical characteristics of the patron, and obtaining the reference image of the patron, and performing the analysis on the reference image to identify the specific patron, as claimed. Lu discloses identifying a predetermined individual from a group of TV viewing individuals "venue" by facial recognition analysis. It would have been obvious to one ordinary skilled in the art at the time of invention to combine the two references as they are solving similar problem of identifying the individuals in a group, see Abstract, also figure 1, the group of individual sitting watching TV, figure 3, the system camera 34 taking images and analysis 52 for the individual recognition. Renie uses the card to identify the person that has to be imaged in a venue, the Lu's teaching of identifying the person using the facial recognition analysis can be incorporated in to the Renie's system in order to increase the accuracy of the system.

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With respect to claims 9 and 10, Lu further teaches image analysis being facial recognition, and descriptors are the components quantifiers, (see figure 3, facial recognition system and the face being the principal component quantifier) as claimed.

With respect to claim 11, Lu further teaches non-permanent feature as facial hair distribution, (see figure 3, camera 34 obtain the image of the face i.e. the facial hair is included) as claimed.

With respect to claim 12, Lu further teaches associating the specific person with an associate patron, (see figure 11, 188, the compare of current "specific patron" to the library face "associate patron") as claimed.

With respect to claims 13 and 14, Lu further teaches, specific patron is as the associate patron, and greater than 10 percent of the frequency, (see figure 11, 188 the comparison of the images and for the best match 190, i.e. the present can be set to any number depending upon the accuracy of the system) as claimed.

With respect to claims 15-18, Lu further teaches descriptor of the specific patron is the information from the descriptor, computation of the confidence, confidence level exceeds a threshold and if the confidence is below then further comparison if done, (see figure 11, the face image is compared to a library of images and a score is calculated and if the best match is not found then the iterative function, i.e. loop in the flow chart, continues the comparing process) as claimed.

With respect to claims 19 and 20, Lu further teaches, reference image is obtained prior to the visual images, (see figure 11, 182, face library) as claimed.

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With respect to claim 21, Renie further discloses, the internet communication, (see col. 9, lines 5-7) as claimed.

Claims 1-5 and 7 are rejected for the same reasons as set forth in the rejection of claims 8-21, because claims 1-5 and 7 are claiming similar subject matter as claims 8-21.

With respect to claim 6, it is well known in the art to recognize the person depending upon the persons height, therefore, it would have been obvious to one ordinary skilled in the art at the time of invention to simply use the well known feature of recognition of the person depending upon the height in the system as it is conventionally use in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vikkram Bali
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Vikram Bali', is written over the printed name and title of the Primary Examiner.

vb
August 24, 2004